

### REMARKS

This amendment is in response to the Office Action dated October 2, 2008. Claim 1 is amended. Claims 1 – 6 are in the application upon entry of this amendment.

Applicants affirm the election of species.

With respect to the information disclosure, Applicants note that the references listed on the 1449 form provided with the February 2005 IDS were cited in the international stage search report and are of record in the instant § 371 application; accordingly, copies were not provided. The Examiner is respectfully requested to consider such references and to complete the record by initialing and dating the 1449 form.

By way of confirmation, Applicants note that claim 7 was canceled and claim 3 was amended in the February 25, 2005 preliminary amendment. Accordingly, the § 101 rejection of claim 7 is now moot.

Applicants respectfully traverse the § 103 rejection of claims 1 – 6 as being unpatentable over WO96/04228.

In order to advance the prosecution, Applicants have amended claim 1 wherein D now is defined as being CH, and wherein E is more specifically defined. Support for the definition of E may be found, for example, on page 8 of the specification (see the corresponding published PCT application (WO 2004/020445)).

It is submitted that the subject matter of the amended claims is non-obvious in view of WO96/04228, as this reference does not teach the possibility of E being a 1,2,4-oxadiazol-3-yl.

Accordingly, it is submitted that the claims are not obvious in view of the cited prior art reference. Reconsideration and withdrawal of the § 103 rejection of claims 1 – 6 are respectfully requested.

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In view of the foregoing amendments and remarks, Applicants submit that the subject matter of the claims is patentable and that such claims are in condition for allowance. Reconsideration and withdrawal of all rejections are respectfully requested, along with the issuance of a Notice of Allowance.

Respectfully submitted,

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